CITY OF ALBANY
CITY COUNCIL AGENDA
COMMUNITY CENTER, MAIN HALL, 1249 MARIN AVENUE
MONDAY, DECEMBER 15, 2008

7:00 p.m.
Closed session to discuss real property pursuant to Government Code Section 54956.8:

Property: Proposed Pierce Street Park, located across from 737 Pierce Street.
Negotiating Parties: Caltrans, on behalf of the State; City Administrator & City Attorney, on behalf of the City.

Property: Proposed Maintenance Center, 540 Cleveland Avenue
Negotiating Parties: City Administrator & City Attorney, on behalf of the City; Western Forge & Flange, represented by James Clayton & Company, 2271 Lava Ridge Court, Roseville, CA 95661

Closed session pursuant to Government Code Section 54956.9(b)(3)(A) to meet with Legal Counsel to discuss exposure to litigation

OPPORTUNITY FOR THE PUBLIC TO SPEAK ON CLOSED SESSION ITEMS

ADJOURN TO CLOSED SESSION

8:00 p.m.

CALL TO ORDER

1. PLEDGE OF ALLEGIANCE

2. ROLL CALL

3. REPORT ON ACTION TAKEN IN CLOSED SESSION, IF ANY

4. REORGANIZATION OF COUNCIL

4.1. Election of Mayor and Vice Mayor
5. **CONSENT CALENDAR**

(Consent Calendar items are considered to be routine by the City Council and will be enacted by one motion. By approval of the Consent Calendar, the staff recommendations will be adopted unless otherwise modified by the City Council. There will be no separate discussion on these items unless a Council Member or a member of the audience requests removal of the items from the Consent Calendar.)

5-1. a. Ratification of City of Albany net payroll in the amount of $224,010.28; taxes, benefits & withholdings in the amount of $190,260.52. Total payroll in the amount of $414,270.80. Payroll period: 12/05/08.

b. Ratification of Albany Municipal Services JPA net payroll in the amount of $60,747.27; taxes, benefits & withholdings in the amount of $45,898.86. Total payroll in the amount of $106,646.13. Payroll period: 12/05/08.

Staff recommendation: Ratify.

5-2. a. Ratification of bills, claims & demands against the City of Albany in the amount of $273,007.23. Period: 11/26/08.

b. Ratification of bills, claims & demands against the City of Albany in the amount of $40,136.71. Period: 12/01/08.

Staff recommendation: Ratify.

5-3. **Pension Plan Side Funds Payment.**

Staff recommendation: Authorize the payment of $1 million from the Pension Property Tax Fund to reduce the PERS Safety Police & Fire Pension Plans side funds.

5-4. **Ocean View Sports Field Improvements**
Staff recommendation: 1) Approve plans and authorize the City Clerk to advertise for bids for the Ocean View Improvements Project - CIP Project P59; 2) Authorize the City Administrator to award a contract for construction, as long as the construction, design and project management costs do not exceed $127,604, which is the amount of the Roberti-Z’berg grant funds approved for this project of $119,604 plus $8,000 in contingency funds from Measure R. 3) Authorize the City Administrator to enter into an agreement with Greg Jacobs Engineering to provide Project Construction Management Services for up to $10,000.

5-5. Codornices Creek Restoration Project between San Pablo and Kains Avenues – Contract for final engineering and landscape plans.

Staff recommendation: Approve a contract with Restoration Design Group (RDG) to prepare final engineering and landscape plans for Codornices Creek Restoration between Kains Avenue and San Pablo Avenue. The contract amount is $98,211.

5-6. Resolution No. 08-76 – A Resolution of the Albany City Council Procedures for Consideration of Development Agreements.

Planning & Zoning Commission recommendation: Adopt Resolution No. 08-76.

5-7. Resolution No. 08-77 – A Resolution of the Albany City Council Authorizing the City of Albany Fire Department to Accept a Grant Award from the Federal Emergency Management Agency Assistance to Firefighters Grant in the amount of $500,000 for an Aerial Fire Truck.

Staff recommendation: Adopt Resolution No. 08-77.

5-8. Ordinance No. 08-12 – An Ordinance of the Albany City Council Amending Section 9-1.4(b) and (c) of the Municipal Code to Decrease the Speed Limit on Cleveland Avenue and Eastshore Frontage Road to 25 mph and add “After Eastshore Frontage Road” (a.k.a. Eastshore Highway).

Staff recommendation – Adopt Ordinance No. 08-12 – Second Reading Pass-to-print.

5-9. Setting January 21, 2009, for a public hearing to consider the first reading of an ordinance to amend the Planning & Zoning Code for purposes of creating a Tobacco Retailer Licensing Program and land use regulations for tobacco retailers.

Staff recommendation: Approve
5-10. Council Appointments to Boards, Commissions, Committees.
a. Council Member Wile: Karen Leeburg, Library Board.
b. Council Member Javandel: Peter Goodman, Susan Adame, Arts Committee; Linda Yamamoto, Albany Library Board; Jerri Holan, Charter Review; Steven Schwartzberg, Civil Service; Christine Mullarkey, Park & Recreation Commission; Brian Parsley, Social & Economic Justice; Janet Smith-Heimer, Sustainability Committee; Clay Larson, Waterfront Committee.

Staff recommendation: Information.

5-11. Planning & Zoning Commission appointments:
a. Mayor Lieber reappointing Leo Panian.
b. Council Member Javandel reappointing David Arkin.
c. Council Member Wile reappointing Peter Maas.

Staff recommendation: Ratify.

5-12. Interim Agreement with U.S. Postal Service for Codornices Creek Phase 3, as required by California Resources Agency for existing River Parkways Grant.

Staff recommendation: Approve.


Staff recommendation: Receive comments, if any, from residents regarding the Development Impact Fee Report made available to the public on December 1, 2008.

6. GOOD OF THE CITY/PUBLIC FORUM/ANNOUNCEMENTS

For persons desiring to address the City Council on an item that is not on the agenda please note that City policy limits each speaker to three (3) minutes. The Brown Act limits the Council’s ability to take and/or discuss items that are not on the agenda; therefore, such items are normally referred to staff for comment or to a future agenda.

Please go to our website at www.albanyca.org to view all future Commission and Committee meetings.

7. PRESENTATION/PUBLIC HEARING

Staff recommendation: Receive presentation by the City’s independent auditors of the results of their examination of the City’s financial reports for fiscal year end June 30, 2008.

8. UNFINISHED BUSINESS


Staff recommendation: Receive monthly progress report.

9. NEW BUSINESS


Staff recommendation: Forward comment letter to the San Francisco Bay Area Water Emergency Transportation Authority (WETA) regarding the Berkeley/Albany Ferry Terminal Draft Environmental Impact Report.

9-2. Review of City Commissions, Committees and Boards.

Staff recommendation: 1) Review the charges and general composition of the City’s Commissions, Committees and Boards, and if any changes are desired, refer the change to that group for comment and to staff for recommendation back to Council. 2) Consider reorganizing the Social & Economic Justice Commission and the Sustainability Committee into one Commission. 3) Authorize establishing an Economic Development Working Group for a period of up to six (6) months and appoint two (2) Council Members to the group.

9-3. Council member appointments to local and regional agency boards, commissions, and committees.

Staff recommendation: Review and revise appointments as necessary or desired.

10. OTHER BUSINESS, REPORTS ON MEETINGS ATTENDED, ANNOUNCEMENT OF EVENTS/FUTURE AGENDA ITEMS.

(Council and staff announcements: Council Member reports on State, regional and local boards, commissions and committees to which they are appointed by the City Council; Council Member announcement of requests for future agenda items. No public comment will be taken on announcement of future agenda items).
10-1. The City Council has scheduled a work session for Monday, January 5, 2009, 7:30 p.m., 1249 Marin Avenue – Economic Development. Note: No regular Council meeting is scheduled.

10-2. The next regular City Council meeting is scheduled for Wednesday, January 21, 2009, 8:00 p.m. due to the holiday on the 19th and the School Board meeting on the 20th.

11. ADJOURNMENT

(The Council meeting packet is available for public inspection at the Albany Library (526-3720), the Fire Department and the City Clerk’s Office. The agenda and supporting staff reports can also be found on our web page at: www.albanyca.org. If you have any questions pertaining to any agenda item or Council meeting procedure, please contact the City Clerk’s Office at 528-5720.)

Agenda related writings or documents provided to a majority of the City Council regarding any item on this agenda will be made available for public inspection in the lobby of City Hall.

The City of Albany is dedicated to maintaining its small town ambiance, responding to the needs of the Community and providing a safe, healthy environment now and in the future.

To view the live televised Council meetings go to Channel 33. Please note that if you provide your name and address when speaking before the City Council it will become part of the official public record, which will be posted on the Internet and broadcast on Channel 33.

NOTICE – Please Read

“Pursuant to Government Code Section 65009, if you challenge a decision of the City Council in court, you may be limited to raising only those issues you or someone else raised at a public hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to, the public hearing.

The decision of the City Council is final as of the date of its decision unless judicial review is initiated pursuant to California Code of Civil Procedure Section 1094.5. Any such petition for judicial review is subject to the provisions of California Code of Civil Procedure 1094.6.

In compliance with the Americans with Disabilities Act (ADA), and State Law, if you need special assistance to participate in this meeting, please contact the City Administration Office 510-528-5710. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting (28 CFR 35.102.104 ADA Title II)”. Upon request, we will provide written agenda materials in appropriate alternate formats, of disability related modification or accommodation, including auxiliary aids or services to enable individuals with disabilities to participate in public meetings. Please deliver a written request, including your name, mailing address, phone number and brief description of the requested materials and preferred alternative format or auxiliary aid or service at least two (2) days before the meeting.
Request should be sent to: City Clerk, 1000 San Pablo Avenue, Albany, CA 94706.